

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAMELA BUTLER,

)
)
Plaintiffs,
)
)
vs.
) Case No. 4:18-cv-01701-AGF
)
MALLINCKRODT LLC, et al.,
) Lead Case
)
Defendants.
)

MEMORANDUM AND ORDER

This matter is before the Court upon review of the parties' Joint Notice Regarding Automatic Stay in Mallinckrodt, LLC's Bankruptcy (ECF No. 41). In their Joint Notice, the parties assert that the United States Bankruptcy Court of the District of Delaware, in which Mallinckrodt's bankruptcy is pending, has lifted the automatic bankruptcy stay in part, such that Plaintiffs in these four consolidated cases ("Plaintiffs") may proceed in this Court on their claims against Mallinckrodt, solely as to Mallinckrodt's "liabilities that are subject to indemnification claims under its' (or its predecessors') various contracts with the U.S. Army Corps of Engineers, as assumed by the Atomic Energy Commission, a predecessor-in-interest to the Department of Energy, to support the production of refined uranium, including its production, storage, and disposal of radioactive material, consisting of source, special nuclear, and/or byproduct material, in the greater St. Louis, Missouri area (the 'Defined Liabilities')." ECF No. 41-1. The parties have attached the bankruptcy court's Agreed Order Modifying Automatic Stay to Permit Litigation under Price-Anderson Act (ECF No. 41-1) to their Joint Notice.

Accordingly,

IT IS HEREBY ORDERED that the automatic stay previously imposed as to Defendant Mallinckrodt LLC is **LIFTED** such that Plaintiffs' claims may proceed against this Defendant solely as to the Defined Liabilities as defined in the United States Bankruptcy Court of the District of Delaware's June 23, 2021 Agreed Order Modifying Automatic Stay to Permit Litigation under Price-Anderson Act (ECF No. 41-1).

IT IS FURTHER ORDERED that Plaintiffs' motion to sever is **DISMISSED as moot.** ECF No. 34.

IT IS FURTHER ORDERED that the parties shall promptly meet and confer to discuss the potential for settlement and the schedule for common discovery and resolution of any common issues such that, if these cases do not settle, they may be unconsolidated and return to the District Judge(s) to whom the cases were originally assigned. No later than **July 14, 2021**, the parties shall file a joint proposed schedule for common discovery and resolution of any common issues, and a joint status report setting out any topics that the parties wish to address during the next status conference.

IT IS FURTHER ORDERED that this matter is set for a status conference on **July 21, 2021 at 1:00 p.m.** The status conference will take place by Zoom. Hearing participants are directed to use the following Zoom log in information: Meeting ID: 161 444 0464; Password: 973200. Members of the general public who wish to listen to the hearing are directed to call 1-669-254-5252; Meeting ID: 161 444 0464. All participants are directed to add their name (right click and select Rename) to their profile upon entering the Zoom hearing. Non-case participants must remain muted throughout the

entire proceedings. Pursuant to Local Rule 13.02, all means of photographing, recording, broadcasting, and televising are prohibited in any courtroom, and in areas adjacent to any courtroom, except when authorized by the presiding judge. This includes proceedings ordered by the Court to be conducted by phone or video.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 24th day of June, 2021.